

1 **Education Cabinet**

2 **Kentucky Board of Education**

3 **Department of Education**

4 **(Amendment)**

5 702 KAR 6:090. Minimum nutritional standards for foods and beverages available on
6 public school campuses during the school day; required nutrition and physical activity
7 reports [~~Competitive food and beverage sales and service requirements~~].

8 RELATES TO: KRS [~~156.010, 156.031,~~] 156.035, 156.160, 156.200, 160.345, 158.854
9 (1)

10 ~~[7 CFR 210.11, 42 USC 1751 TO 1769B, 42 USC 1771 TO 1789]~~

11 STATUTORY AUTHORITY: KRS [~~156.031, 156.035,~~] 156.160, 158.854 (1)

12 NECESSITY, FUNCTION AND CONFORMITY: KRS 158.854 (1) requires the
13 Kentucky Board of Education to promulgate an administrative regulation to specify the
14 minimum nutritional standards for all foods and beverages that are sold outside the
15 National School Breakfast and National School Lunch programs, whether in vending
16 machines, school stores, canteens, or a la carte cafeteria sales. KRS 158.854 (1) requires
17 that the administrative regulation address serving size, sugar, and fat content of the foods
18 and beverages. This administrative regulation sets forth the minimum nutritional
19 standards for food and beverages available on the school campus during the school day.
20 ~~[This administrative regulation is promulgated under the authority of the State Board of~~
21 ~~Education's statutory mandates to implement federal education assistance programs and~~

1 ~~to protect the physical welfare and safety of public school children and is needed to carry~~
2 ~~out the Congressional intent of the National School Lunch Act of 1946, the Child~~
3 ~~Nutrition Act of 1966 and all amendments thereto. This administrative regulation is~~
4 ~~necessary to ensure that students have an opportunity to fully avail themselves of at least~~
5 ~~one (1) meal planned with their dietary and nutritional needs in mind.~~

6 ~~Reconsideration and refiling of this administrative regulation is required by KRS~~
7 ~~456.031.]~~

8 Section 1. Beverages. During the period of time beginning thirty (30) minutes after the
9 last lunch period until the end of the last instructional period, if a beverage is offered for
10 sale through vending machine, school store, canteen, or fundraiser on school property, it
11 shall meet the following nutritional standards:

12 (1) fluid unflavored or flavored milk that is no more than 1% milk fat;

13 (2) plain or flavored, non-caloric, non-carbonated water;

14 (3) 100% fruit or vegetable juice or any combination of both totaling 100%

15 (4) any other beverage that contains no more than ten (10) grams of sugar per serving,

16 except this limit shall not apply to 100% fruit or vegetable juice or any combination of
17 both equaling 100%;

18 (5) caffeine free, except for lowfat, flavored milk; and

19 (6) the volume size of a beverage does not exceed seventeen (17) ounces, except for plain
20 or flavored, non-caloric, non-carbonated water.

21 Section 2. Food. During the period beginning thirty (30) minutes after the last lunch
22 period until the end of the last instructional period, if a food item is offered for sale

- 1 through vending machine, school store, canteen, or fundraiser on school property in an
2 elementary, middle or high school, it shall meet the following standards:
- 3 (1) Calories from fat shall not exceed thirty (30%) percent, excluding nuts, seeds and nut
4 butters. This shall be determined by dividing the calories from total fat by the total
5 calories and multiplying by one hundred (100). If the calories from fat are not available,
6 the grams of fat shall be multiplied by nine (9) to equal calories from fat;
- 7 (2) Calories from saturated fat shall not exceed ten (10%) per cent. This shall be
8 determined by dividing the calories from saturated fat by the total calories and
9 multiplying by one hundred (100). If calories from saturated fat are not available, the
10 grams of saturated fat shall be multiplied by nine (9) to equal calories from saturated fat;
- 11 (3) Calories from sugar shall not exceed thirty-two (32%) per cent by weight. This shall
12 be determined by dividing the grams of sugar by the gram weight of the product and
13 multiplying by one hundred (100). This shall include both naturally occurring and added
14 sugars. The grams of sugar shall not exceed fourteen (14) grams. This limit shall not
15 apply to fresh, frozen, canned or dried fruits and vegetables.
- 16 (4) Chips, cereals, crackers, baked goods and other snack items shall not contain more
17 than three hundred (300) milligrams of sodium per serving. Pastas, meats and soups shall
18 contain more than four hundred fifty (450) milligrams of sodium per serving. Pizza,
19 sandwiches and main dishes shall not contain more than six hundred (600) milligrams of
20 sodium per serving;
- 21 (5) The portion or pack size for chips, crackers, popcorn, cereal, trail mix, nuts, seeds or
22 jerky shall not exceed two (2) ounces;
- 23 (6) The portion or pack size for cookies shall not exceed one (1) ounce;

(7) The portion or pack size for cereal bars, granola bars, pastries, muffins, doughnuts, bagels, and other bakery-type items shall not exceed two (2) ounces;

(8) The portion or pack size for non-frozen yogurt shall not exceed eight (8) ounces; and

(9) The portion or pack size for frozen dessert items, including low-fat or fat free ice cream, frozen fruit juice bars, and frozen real fruit items, shall not exceed four (4) ounces.

Section 3. A la carte items. A food or beverage item offered for sale as an la carte item on the cafeteria line during the serving of breakfast or lunch shall meet the following standards:

(a) A beverage shall meet the standards established in Section 1 of this administrative regulation; and

(b) A food item shall meet the standards established in Section 2 of this administrative regulation, except schools may offer for a la carte sale any item that is creditable under the School Breakfast and National School Lunch Program meal pattern as set forth in 7 CFR 220.8 and 7 CFR 210.10, respectively.

Section 4. Local district nutrition program report. (1) A school food service director of the local district shall complete the assessment of the nutrition program required under KRS 158.856 and issue a report for the 2005-2006 school year at least sixty (60) days prior to the public hearing.

(2) The director may issue the report via posting to the district website.

(3) If the Department of Education completes review of a district's nutrition program during the school year prior to deadline established in subsection (1) of this Section, the report and recommendations of that review may constitute the district's annual

1 assessment and report issued in accordance with subsection (1) and (2) of this Section of
2 this administrative regulation.

3 (4) A local district superintendent shall submit a summary of the findings and
4 recommendations to the Kentucky Department of Education by March 1, 2006, and by
5 March 1 of each succeeding year.

6 Section 5. Student physical activity. (a) A local district superintendent shall evaluate the
7 student physical activity environment, including the amount of time and types of physical
8 activity provided in the elementary schools as required in KRS 158.645 (11) and release
9 the report at least sixty (60) days prior to the public hearing.

10 (b) A local district superintendent shall submit the report on physical activity, including a
11 summary of findings and recommendations to the Department of Education by March 1,
12 2006, and by March 1 of each succeeding year.

13 (c) The superintendent may release the report via posting to the district website.

14 ~~[(1) This administrative regulation deals with the sale and service of food and beverages~~
15 ~~in competition with the School Breakfast Program or the National School Lunch~~
16 ~~Program, by reason of such being conducted by student or parent organizations or school~~
17 ~~personnel through food sales, snack bars, or vending machines on the school campus.~~

18 ~~(2) The sale or serving of any food or beverage item to students in competition with the~~
19 ~~School Breakfast Program or the National School Lunch Program shall be prohibited on~~
20 ~~the school campus during the school day until one half (1/2) hour after the close of the~~
21 ~~last lunch serving period.]~~